

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WILLIAM WERSINGER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 07-262-GMS
	)	
BANK OF AMERICA CORPORATION,	)	
	)	
Defendant.	)	

**STIPULATION AND ORDER DISMISSING COLLECTIVE ACTION CLAIM**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, IT IS HEREBY STIPULATED by, and between, the Plaintiff William Wersinger and Defendant Bank of America Corporation, through their respective counsel of record, as follows:

1. Plaintiff commenced this action under the Fair Labor Standards Act (FLSA). As part of his claims, Plaintiff sought to certify a class of similarly situated current and former employees pursuant to 29 U.S.C. § 216(b) (the “Collective Action”).

2. In accordance with the Court’s scheduling order, the parties engaged in preliminary discovery relating to certification issues of the Collective Action and to Plaintiff himself. Based on this preliminary discovery, the Plaintiff has determined that the potential number of putative class members is limited in numerical size and thus the Collective Action would not be an effective means of administering this case. The parties therefore agree that this case should not proceed as a Collective Action.

3. Those aspects of Plaintiff’s complaint (as amended) that pertain to the Collective Action (including any such claims or relief on behalf of current and former

employees) are dismissed without prejudice. Plaintiff shall be permitted to proceed with his individual claims against Defendant.

4. Plaintiff and Defendant shall bear their own costs and attorneys' fees in connection with their prosecution and defense of the claim for a Collective Action.

/s/ Donald Gouge  
Donald L. Gouge, Jr. (I.D. No. 2234)  
Heiman, Gouge & Kaufman, LLP  
800 King Street  
Wilmington, Delaware 19801  
Telephone: (302) 658-1800  
Facsimile: (302) 658-1473  
Email: dgouge@hgkde.com

/s/ Stephen B. Lebau  
Stephen B. Lebau, *Pro Hac Vice*  
LEBAU & NEUWORTH, LLC  
606 Baltimore Avenue – Suite 201  
Baltimore, Maryland 21204  
Telephone: (410) 296-3030  
Email: sl@joblaws.net  
Attorneys for Plaintiff

/s/ Scott A. Holt  
Sheldon N. Sandler (I.D. No. 245)  
Scott A. Holt (I.D. No. 3399)  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building, 17<sup>th</sup> Floor  
1000 West Street  
Wilmington, Delaware 19801  
Telephone: (302) 571-6673; 571-6623  
Facsimile: (302) 576-3330; 576-3299  
Email: ssandler@ycst.com; sholt@ycst.com  
Attorneys for Defendant

Dated: January 22, 2008

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
U.S.D.J.